

DATE: October 3, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0089
Administrative SUP for Change of Ownership
Site Use: Restaurant
Applicant: Ares Lin, LLC
Location: 3830 Mount Vernon Avenue
Zone: NR/Neighborhood Retail

Request

Special Use Permit #2014-0089 is a request for a change of ownership of an existing restaurant. The change of ownership is requested from Ymo Mai Chen to Ares Lin, LLC. No additional changes would be made to the restaurant and it would continue to operate under the trade name of Jerry Chan's Restaurant.

Background

City Council approved SUP# 2002-0076 for the operation of a 40-seat restaurant at 3830 Mount Vernon Avenue on October 19, 2002. In 2009, staff received a complaint regarding trash and debris in front of the business that staff later confirmed through an inspection. The business owner immediately resolved the condition. The SUP inspection on September 2, 2014 identified that the applicant satisfied all SUP conditions with the exception of the trash enclosure required in Condition 22. A follow-up inspection on September 17th revealed that an enclosure had been constructed to screen the trash area and resolve the issue.

Parking

According to Section 8-200(A)(8), one off-street parking space is required for every four restaurant seats. The applicant is required to provide ten parking spaces and satisfies this requirement with ten spaces in the parking lot behind the building.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Hume Springs Citizens Association, Sunnyside/Lenox Place Neighborhood Association, Mount Vernon Court Committee, Herbert Street Station Homeowners Association, and the Beverly Hill Manor Community Association have been notified. Staff has not received any comments from residents or adjacent businesses during the noticing period.

Staff Action

Staff supports the SUP request for a change of ownership for the restaurant located at 3830 Mount Vernon Avenue. The continued use of the site as a restaurant will contribute to the vitality of the Arlandria commercial district.

Several conditions have been carried forward from SUP#2002-0076 and have been amended to reflect current standard language. The installation of a trash receptacle has been satisfied by the previous business owner, resulting in the deletion of Condition 13. Since it largely overlaps with Condition 14, Condition 24 has been also deleted. The applicant's responsibility to inform employees about SUP conditions is included as Condition 26 of this report.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 8, 2014

Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2014-0089

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to any ~~business or entity~~ corporation in which the applicant has a controlling interest. (P&Z) (~~SUP#2002-0076~~)
2. Seating shall be provided for no more than 40 patrons. Of that number, no more than ten seats at tables shall be provided outdoors. (P&Z) (SUP#2002-0076)
3. The outdoor dining area shall be limited to an area 10 feet deep in front of the restaurant and shall not encroach on the public right-of-way. (P&Z) (SUP#2002-0076)
4. A minimum of 10 parking spaces shall be provided on-site. The applicant shall post a sign in the restaurant directing patrons to the availability of parking behind the building and other parking areas within walking distance of the restaurant. (P&Z) (SUP#2002-0076)
5. **CONDITION AMENDED BY STAFF:** The applicant shall require their employees who drive to work use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (~~SUP#2002-0076~~)
6. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2002-0076)
7. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited from 11:00 a.m. to 11:00 p.m. daily. Meals ordered before the closing hour 11 p.m. may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour 12 midnight. (P&Z) (~~SUP#2002-0076~~)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2002-0076)
9. No alcohol service shall be provided. (P&Z) (SUP#2002-0076)
10. No delivery service shall be provided by the restaurant. (P&Z) (SUP#2002-0076)
11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2002-0076)
12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2002-0076)

13. **CONDITION SATISFIED:** ~~The applicant shall, at his expense, replace the existing street trash receptacle with a city standard Bethesda Series Model SD 42. (P&Z) (T&ES) (SUP#2002-0076)~~
14. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2002-0076)
15. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP#2002-0076)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2002-0076)
17. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2002-0076)
18. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2002-0076)
19. The applicant shall provide additional site lighting in the rear of the property to meet current city standards. (T&ES) (SUP#2002-0076)
20. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention Unit~~ Community Relations of the Alexandria Police Department at 703-746-6388 for a security survey and a robbery awareness program for all employees prior to operation. ~~(Police) (SUP#2002-0076)~~ (P&Z)
21. **CONDITION REPLACED BY STAFF (see Condition 7):** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2002-0076)~~
22. The dumpster shall be screened and maintained to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2002-0076)
23. All exterior improvements, including signs, shall comply with the Mount Vernon Avenue Design Guidelines. (P&Z) (SUP#2002-0076)
24. **CONDITION DELETED BY STAFF (see Condition 14):** ~~The applicant shall remove the weeds in the parking lot and keep the parking lot free of trash and litter to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2002-0076)~~

25. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year ~~after operation~~ from approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the ~~d~~Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) ~~(SUP#2002-0076)~~
26. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0089. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the day care center at 3830 Mount Vernon Avenue.

Applicant - Signature

Date

Applicant – Printed

Date